

**VILLAGE OF SHERMAN**  
**MINUTES OF THE REGULAR BOARD MEETING**  
**and Meeting of the MUNICIPAL ZONING BOARD**  
Wednesday, November 6<sup>th</sup>, 2019 at 6pm

**The Mayor welcomed everyone and opened the meeting with the Pledge of Allegiance. Board members Colleen Meeder, Isaac Gratto, Donna Higginbotham, Mary Reyda and Kirk Ayers, Clerk-treasurer Jeanette Ramm, Chief Wastewater Operator Jay Irwin, County Legislator Marty Proctor, four members of the public and the press were in attendance.**

**RES 2019-11-06.1:**

Motion to accept the previous minutes of the Regular Board Meeting and Municipal Zoning Board Meeting held October 2<sup>nd</sup>, 2019.

Moved by Trustee Higginbotham      Seconded by Trustee Ayers

Ayes: 5      Nays: 0      Carried

**MAYORAL ADDRESS**

**CAT PROJECT (Trap Treat & Release):** This project has been extremely successful, but the mayor did note that the abandonment of cats is a misdemeanor, and with the abundance of cell phones (and other recording devices) it would be foolish for anyone to commit this crime.

The Sherman Community Cat Project in coalition with Little Angels Animal Sanctuary (Cat Project) reported that a total of \$4842 has been spent to date. \$962.50 (which included a donation of \$12.50) was contributed by the Village. This covered the cost of spaying and neutering, treating and releasing 44 female cats and 28 male cats. These efforts will greatly reduce the cat population explosion, and curb spraying and property destruction by the feral cats. Additional cats were removed from the Farmer's Mill area which was done for free by the Cat Project. Mayor Meeder expressed our thanks and appreciation to Paula Murdock and Kelly Thornton for all their hard work, not only with the cats, but also for their successful fund raising. This is an ongoing project and people can continue to donate to the Village of the Sherman Community Cat Project in coalition with LAAS.

**GROCERY STORE:** All the financing and paperwork has been in place since October 23<sup>rd</sup>, but closing is dependent on the seller providing the title search which is expected next week.

**PLANNING BOARD MEETING REPORT:** Rick Ayers resigned because he is concerned with the commitment required. The first meeting focused on the law, structure, and purpose of a planning board. A summary of village projects was discussed. The next meeting of the Planning Board, which is a public meeting, is scheduled for Monday, November 11<sup>th</sup>, at 4pm in the Village municipal office.

**PROPERTY DEEDS:**

- Swan Property/Sewer Project – attorney is still working on lien releases.
- Van McConnon Properties – the final papers have all been signed and we are just awaiting the deeds. Again, no decisions have been made regarding the future of any property use, beyond the permanent home of the Food Pantry. Contracts are being worked on for the current tenants, and a Phase 1 environmental review is going to begin for the “Old Ford Garage”.

**SECURING MUNICIPAL ASSETS:** The WWTP is a water reclamation facility, we are performing a Vulnerability Assessment and preparing an Emergency Response Plan as required by the USDA and DEC. The Village has NO TRESPASSING signs on the fence and will be placing an additional sign at the entrance: “Restricted Authorized Personnel Only”. The gate is open to utility workers during operational hours; however, no one should enter the property without the expressed consent of the Chief Operator, Jay Irwin or the Streets and Water Superintendent, Doug Crane. It should be noted that the Village of Sherman *will* press charges for trespassing if someone is found to have entered the gated property of the Wastewater Treatment Plant without authorization or consent. The property is under video surveillance.

As Mayor, it is my responsibility to secure the physical assets and the human resources of the Village for the health, safety, welfare, and quality of life of its residents. The Village of Sherman Governance Policy states “we believe in the employees, as the most important municipal asset”. Being a taxpayer and member of the public does not grant someone direct access to public resources or public employees. Living in a small town gives us a very casual and comfortable sense of freedom, however there is the need to establish appropriate boundaries for both the security of the physical assets and maintaining a non-hostile work environment. The Chief Operator and the Streets and Water Superintendent can be contacted directly in the case of a sewer or water emergency. All other operational inquires or concerns are to be directed to the Village office where the mayor will address them by appointment.

**OPERATOR OF THE WEEK:** Chief Operator James Irwin was awarded the Empowering Pumps & Equipment “Industry Person of the Week” on October 18, 2019. The full article can be found on the Sherman website under “In the news” on the “Info” tab at [www.shermanny.org](http://www.shermanny.org).

### **SEWER REPORT FROM CHIEF SEWER OPERATOR (and Mayor Meeder)**

Summary of Sewer Project Update:

- Had conference call with Engineers, Fiscal Advisors and Bond Council in preparation for securing short term / BAN financing to begin engineering of WWTP upgrade.
- Discussing the advantages of 3 BAN’s (Bond Anticipation Notes) vs. EFC short-term loan financing, also the issue of time sensitivity as EFC process takes longer (5/2020, BAN 2/2020).
- Bond Council costs still need to be factored into short-term financing pros & cons.
- Preparations have begun for Water & Sewer Survey.
- Municipal Sewer System Asset Management Software discussed with Matt Zarbo.
- Chief operator is beginning the Vulnerability Assessment and Emergency Response Plan.
- The Board of Trustees will have a workshop meeting on December 4<sup>th</sup> at 5:30pm to go over scope of the WWTP upgrade with Engineer Matt Zarbo. *This workshop is subject to open meetings law and will be posted accordingly; this is NOT a public hearing, there will not be an opportunity for public participation during the ‘workshop’ session.*
- Dec 4<sup>th</sup> the Board will meet to approve scope, financing, etc.
- Dec 4<sup>th</sup> - schedule earlier committee meeting with Isaac Gratto, Colleen Meeder, Jay Irwin, Melanie Stein (DEC), and Matt Zarbo (B&L).
- WIIA grants will be awarded mid-December.

### **WATER AND STREETS REPORTS FROM DPW SUPERINTENDENT**

Water Project

- The official Water Project cost is \$2,401,000 (and should we include a water softening system it could be as much as \$3,206,000). This decision to include a softening system would be made

after all the facts are known, and probably by referendum as part of the election next year. Before that we need to educate people and breakdown the individual costs to each person.

- SEQR process - we've completed Part 1 and will continue with Part 2 & Part 3. We don't foresee any issues with the Village being the lead agency.
- This November the EFC will have the scores posted so we will know officially where we stand on hardship (which will mean 60% grant and 40% zero interest financing through the EFC).
- Then December/January the EFC will send out information to let us know whether we have been awarded the grants we have applied for.

#### First Street progress

- The binding has been completed and the final topcoat will be done in the springtime.
- There are still other projects to be completed along First Street i.e. driveways, laying water pipes and hooking up meters, etc.

**INFRASTRUCTURE SUBCOMMITTEE** met on October 21, 2019; engineer Matt Zarbo of B&L presented the first conceptual plans for stormwater management throughout the village. This was prepared as part of the \$52,500 Drinking Water & Stormwater Preliminary Engineering Study conducted by Barton & Loguidice with the 2018 NYS CDBG grant award of \$50,000 and the \$2,500 Village contribution. Once refined and prior to pursuing any funding or taking any action, the stormwater plans (which include Main Street) will be presented to the public at a hearing for all stakeholders to view.

**STEERING COMMITTEE:** The 2006 Comprehensive Plan and other information regarding the comprehensive planning process is available on the website [www.shermanny.org](http://www.shermanny.org). At the next committee meeting, scheduled for November 12<sup>th</sup>, B&L's John Steinmetz will present age and income demographics, traffic counts and other data specific to our area. After it's reviewed it will be made available on the website. The next Community Visioning Workshop has not yet been scheduled.

#### **PUBLIC PARTICIPATION:**

Gary Emory asked about the "water softening system" and Mayor Meeder explained that the pros and cons still needed to be investigated, and *if* a softening system seems beneficial then informational mailings will be sent out to all residents. Public hearings would be had and finally a public vote. Nothing is decided, we are merely investigating the feasibility.

#### **FINANCIAL REPORT FROM CLERK-TREASURER:**

General Checking Account: Balance (11/06/2019) is \$770.24 – book balance \$-33,991.70  
Special Bank Account: Balance (11/06/2019) is \$21,600.00 – book balance \$2,500.00  
CD Account: Balance (11/06/2019) is A\$150,065.03, B\$105,125.84  
CD Transfer: \$40,000 to General Checking Account  
Unpaid Taxes Unpaid submission to County \$34,973.48  
Account Adjustments: N/A

The results of the November 5<sup>th</sup> Election were as follows:

- Re-election of Deputy Mayor, Isaac Gratto
- Election of Trustee Ryan Sanders

Trustee Mary Reyda, who has worked as part of the Village Board since April 2010, was thanked for her service to the Village of Sherman.

**RES 2019-11-06.2: VOUCHER**

Motion to approve Voucher #6 for \$52,282.95 as presented for October 2019, of which \$19,100 is from the NYS Special Fund.

Moved by Trustee Gratto                      Seconded by Trustee Ayers

Ayes: 5      Nays: 0      Carried

**RES 2019-11-06.3: CD TRANSFER**

Motion to move \$40,000 from the CD (B) to the General Checking Account.

Moved by Trustee Higginbotham      Seconded by Trustee Gratto

Ayes: 5      Nays: 0      Carried

**RES 2019-11-06.4: UNPAID PROPERTY TAX BALANCE**

Motion to record in the minutes: The Village 2019-2020 unpaid property tax amount of \$34,973.48 was re-levied onto the 2020 County Taxes as of October 15, 2019.

Moved by Trustee Gratto                      Seconded by Trustee Higginbotham

Ayes: 5      Nays: 0      Carried

**OLD BUSINESS**

**TAX FORECLOSED PROPERTY WATER & SEWER UPDATE**

**Re: Acct #193** A final bill was issued on 9/17/19 with a due date of 10/1/19, in the amount of \$359.88; of which \$224.51 cannot carry over to the new property owner do to tax foreclosure law; however if full amount cannot be recovered, as much as \$135.37 shall remain the responsibility of the new property owner, subject to re-levy in April. **The amount remains unpaid and the Clerk-Treasurer has begun the small claims process.**

**NEW BUSINESS**

**ANNUAL VILLAGE INSURANCE**

Changes to the Village’s insurance cover are listed below:

USDA RD Loan / Grant Letter of Conditions insurance requirements	\$568
Other general increases in coverage ( <i>i.e. cyber</i> )	\$160
Additional donated buildings	\$465
Automobile coverages	\$715
Inland Marine ( <i>rent &amp; borrowed equip coverage 2,000 to 100,000</i> )	\$191
Total change over last year’s premium:	\$2,099

**RES 2019-11-06.5: ANNUAL INSURANCE RENEWAL - Trident**

Motion to accept the insurance proposal from Joe Niezgoda, of WNY Insurance Agency, for Trident Insurance effective 11/11/2019; and authorize payment in the amount of \$13,692 plus taxes and fees of \$86.63.

Moved by Trustee Ayers                      Seconded by Trustee Gratto

Ayes: 5      Nays: 0      Carried

**In accordance with GAAP (General Accepted Accounting Principles) and GASB (Governmental Accounting Standards Board), an accounting of all activity related to the sewer capital project is to be recorded separate from the normal operational activity of the sewer department.**

**RES 2019-11-06.6: FUND FOR SEWER CAPITAL PROJECT**

Motion to add and approve the use of the ‘H’ Capital Fund named ‘HG-Sewer Capital Project’ to allocate all moneys on the balance sheet and revenue and expense statement related to the Sewer Plant Upgrade, in accordance with GAAP & GASB accounting of government capital projects.

Moved by Trustee Higginbotham      Seconded by Trustee Gratto

Ayes: 5      Nays: 0      Carried

**The Village is creating the Miscellaneous (CM) Fund, titled/class (BLDG-Building Rentals) to ensure compliance with GAAP & GASB related to the revenue and expenditures for the four donated buildings. *The surplus funds are restricted to the use of the four donated buildings.***

*Note: The buildings with for-profit business activity are assessed as taxable properties.*

**RES 2019-11-06.7: FUND FOR DONATED BUILDINGS**

Motion to add and approve the use of the ‘CM’ Miscellaneous Fund named ‘BLDG-Building Rentals’ to allocate all moneys on the balance sheet and revenue and expense statement related to the donated Main St properties, in accordance with GAAP & GASB. *(If the NYOSC finds the amounts material to report on the AUD separately it will be the ‘CM’ Fund, otherwise the BLDG Fund will be treated as a minor fund as part of the A-General Fund for AUD reporting purposes.)*

Moved by Trustee Gratto      Seconded by Trustee Ayers

Ayes: 5      Nays: 0      Carried

**RES 2019-11-06.8: PHASE 1 ENVIRONMENTAL STUDY – 130 WEST MAIN ST**

Motion to authorize the mayor to engage a firm to complete a Phase 1 Environmental Study of 130 Main Street. The board of trustees approves the study following the filing of the deed, in an amount not to exceed \$3,000.

328.10-2-12

328.10-2-13

328.10-2-14

328.10-2-15

Moved by Trustee Gratto      Seconded by Trustee Higginbotham

Ayes: 5      Nays: 0      Carried

**VIDEO SURVEILLANCE: in the effort to further secure Village assets, cameras are being installed on Village property. Some technology has the ability to record both audio and visual activity. In compliance with NYS law that states a lawful recording of a conversation requires the knowledge of a minimum of one participating person, and given the surveillance could potentially record the audio of conversations without an individual’s knowledge, all devices with the ability to record audio are to have the audio recording feature ‘off’ or disabled.**

***ADOPTION OF THE VILLAGE OF SHERMAN  
VIDEO SURVEILLANCE POLICY***

*The Village of Sherman Board of Trustees (Village Board) herein adopts a policy providing for video surveillance to safeguard municipal property. The video surveillance shall be conducted on Village of Sherman (Village) owned property; with the written consent of the adjacent property owner, surveillance can be extended beyond the Village property limits.*

*The Village Board shall not permit the audio surveillance of the municipal property, employees, agents, residents or all other persons. The Zoning Enforcement Officer or Chief Operator installing the video equipment will turn off or disable any audio recording features in the surveillance system.*

*The video surveillance is not monitored live, and therefore does not provide prevention or personal safety.*

*Video surveillance is kept for the length of time permitted by the subscribed surveillance system. In the event of a situation, the Zoning Enforcement Officer or Chief Operator shall archive the video for further investigation. All video is to be made immediately available at the request of law enforcement. Any video surveillance captured by the Village of Sherman shall be subject to the Freedom of Information Law.*

**RES 2019-11-06.9: CAMERA SURVEILLANCE & AUDIO RECORDING POLICY**

Motion to adopt the Village of Sherman Video Surveillance Policy, including the statement that the Village of Sherman will not record audio surveillance on any Village property, and will disable the audio capturing capability on all surveillance devices.

Moved by Trustee Ayers                      Seconded by Trustee Gratto

Ayes: 5              Nays: 0              Carried

**RES 2019-11-06.10: LAND SURVEY – WWTP CAPITAL PROJECT**

Motion to accept the quote from Terra Pointe Land Surveying, PLLC in the amount of \$8,915 in accordance with the previous motion 2019-08-07.12; and to receive the invoice from and remit payment to Terra Pointe Land Surveying, PLLC directly. *(Signed by the Mayor 10/22/19)*

Moved by Trustee Higginbotham      Seconded by Trustee Reyda

Ayes: 5              Nays: 0              Carried

**RES 2019-11-06.11: SEQR – WATER ENVIRONMENTAL STUDY**

**RESOLUTION NO. 2019-11-06.11**

***Proposed Action: Village of Sherman Water System Improvement Project***

***RESOLUTION DETERMINING THAT THE PROPOSED SHERMAN WATER SYSTEM IMPROVEMENT PROJECT IS A TYPE I ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT***

***WHEREAS***, the Village of Sherman (Village) is proposing the Village of Sherman Water System Improvement Project (Project), located in the Village of Sherman, Chautauqua County, New York; and

***WHEREAS***, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEORA) in 6 NYCRR Part 617.4; and

***WHEREAS***, the Village sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to be sent to other potentially “Interested” and “Involved Agencies” (as this term is defined in the SEORA Regulations found at 6 NYCRR Part 617), indicating the Village’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEORA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

*WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Sherman Village Board serving as Lead Agency for the Project; and*

*WHEREAS, pursuant to the SEQRA Regulations, the Village of Sherman Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:*

*NOW, THEREFORE, BE IT RESOLVED that, the Village of Sherman Village Board hereby establishes itself as Lead Agency for the Project; and*

*BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village's knowledge of the area surrounding the Project, the Village of Sherman Village Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and*

*BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Village of Sherman Village Board, as Lead Agency, hereby directs the Village of Sherman Mayor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately.*

*The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:*

<i>Mayor Colleen Meeder</i>	<i>Aye</i>
<i>Deputy Mayor Isaac Gratto</i>	<i>Aye</i>
<i>Trustee Donna Lee Higginbotham</i>	<i>Aye</i>
<i>Trustee Kirk Ayers</i>	<i>Aye</i>
<i>Trustee Mary Reyda</i>	<i>Aye</i>

*The foregoing resolution was thereupon declared duly adopted.*

**Dated: November 6<sup>th</sup> 2019**

*I hereby certify that this resolution was adopted on November 6<sup>th</sup>, 2019 and is recorded in the Meeting Minutes of the Village of Sherman Village Board.*

*Jeanette Ramm*  
*Village Clerk*

**RES 2019-11-06.12:**

Motion to suspend the regular meeting and enter into the meeting of the Municipal Zoning Board.  
Moved by Trustee Gratto                      Seconded by Trustee Higginbotham  
Ayes: 5      Nays: 0      Carried

**MUNICIPAL ZONING BOARD MEETING:**

**PERMITS & PROPERTY MAINTENANCE REPORT FROM ZONING OFFICER**  
**Report on open/new building permits, violation enforcements**

**RES 2019-11-06.13: ZONING REPORT**

Motion to accept the report from the Code and Zoning Enforcement Officer (s):

Cases currently open:

- **Farmer’s Mill** – After sworn testimony given by Austin Wellman, CCDOH, and Greg Gormley, ZEO, the Board of Health determined the rats at the Farmer’s Mill to be a public nuisance and a health concern. They then initiated a legal action that would begin abatement in the event an abatement plan was not provided by the Farmer’s Mill.

The designation of “public nuisance” is required to formally proceed.

The abatement plan involves coordination with the Erie County Dept of Health’s ‘rat expert’. This will take several weeks or even months. After which the Village will clean out all the feed and dispose of it through the Sewer Plant’s digester. The cleanup may require additional temporary labor. Doug Crane and Jay Irwin have plans to borrow equipment, therefore the only cost the Village would incur would be related to labor.

All costs incurred during the abatement will be recorded and the County has taken legal action that will put these efforts at the forefront of the bankruptcy proceeding. That does not mean we should anticipate full reimbursement for our incurred costs. The reimbursement percentage will be determined as part of the bankruptcy proceedings which could take months or even years.

Vacant Properties – registrations not completed

- Chandra Hannold, Cornish St.
- Michelle Reinken, Hart St.

Cases to open or review:

Property Clean Up Status:

- Kulpa – cleaning up, still monitoring situation
- Chandra Hannold - Cornish St., Zoning & Code Officers reviewing status of case.
- Amanda Lutgen – is working with Zoning Officer

Moved by Trustee Higginbotham      Seconded by Trustee Gratto  
Ayes: 5      Nays: 0      Carried



**RES 2019-11-06.14 STANLEY HOSE COMPANY – SIGN PERMIT – SPECIAL USE**

Motion to approve the special use permit for the three signs the Stanley Hose Company is hanging on the fire hall located at 122 Park St, for \$0 fee (*given the direct relationship with the Village of Sherman*).

Moved by Trustee Higginbotham      Seconded by Trustee Ayers  
Ayes: 5      Nays: 0      Carried

**RES 2019-11-06.15 RESIDENCE / AGRICULTURAL FENCE – SPECIAL USE PERMIT**

Motion to approve the permanent special use permit for a “farm” fence located at 143 E Main St, for \$25, to be placed on the property line. (*Agricultural fences are exempt from the law sec. #616, fence is defined as a farm fence sec. #202, requires special use permit, no hearing #401*).

Moved by Trustee Ayers      Seconded by Trustee Gratto  
Ayes: 4      Nays: 1(Reyda) Carried

**RES 2019-11-06.16**

Motion to close the Municipal Zoning Board Meeting and resume the Regular Meeting of the Board.

Moved by Trustee Gratto      Seconded by Trustee Ayers  
Ayes: 5      Nays: 0      Carried

**Motion for executive session for a personnel concern and legal matters, including rental contracts.**

Moved by Trustee Gratto      Seconded by Trustee Ayers  
Ayes: 5      Nays: 0      Carried

**Motion to adjourn the meeting at 9:03p.m.**

Moved by Trustee Higginbotham      Seconded by Trustee Reyda  
Ayes: 5      Nays: 0      Carried

Respectfully submitted  
Jeanette Ramm  
Clerk-Treasurer

**Notes:**

Planning Board	Mon, Nov11 <sup>th</sup> , 4pm, Village Office
COMP PLAN Steering Committee	Tues, Nov12 <sup>th</sup> , 6pm, Fire Hall (upper room)
Regular meeting	Wed, Dec 4 <sup>th</sup> , 6pm, Village Office
Community Visioning Workshop #2	TBA

**December Meeting Items:**

2020 Village of Sherman Fire Contract / EEOC language  
Rental Agreements and Miscellaneous Fund

**January Meeting Items:**

2019 Summer Season Employees Budget vs. Actual  
2018-2019 FY Audit by Financial Committee